

11/01/01  
11060 U.S. PT

12-05-01

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EXPRESS MAILING**

Certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on November 1, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number **EL631007597US**, addressed to the Commissioner for Patents, Washington, DC 20231.

Attorney Docket No.: CYTOP035C4

First Named Inventor: Hartman et al.

jc997 U.S. PTO  
10/002712

11/01/01

  
Aurelia Sanchez

**UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))**  
(Continuation, Divisional or Continuation-in-part application)

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Re: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:  
**James Hartman, Fady Malik, Roman Sakowicz and Jeffrey Finer**

For: **HIGH THROUGHPUT SARCOMERIC ASSAY**

Assigned to : Cytokinetics, Inc.

This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part

of prior Application No.: 09/539,164, from which priority under 35 U.S.C. §120 is claimed.

**Application Elements:**

- ☒ **23** Pages of Specification, Claims and Abstract  
☒ **3** Sheets of informal Drawings  
☒ Declaration  
☐ Newly executed  
☒ Copy from a prior application (37 CFR 1.63(d) for a continuation or divisional).  
The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.  
☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

**Accompanying Application Parts:**

- ☒ Do not publish this application. Nonpublication Request is attached.  
☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)  
☒ Power of Attorney (copy from parent application)

- ☐ 37 CFR 3.73(b) Statement by Assignee  
☐ Information Disclosure Statement with Form PTO-1449 ☐ Copies of IDS Citations  
☒ Preliminary Amendment (*New claims numbered after highest original claim in prior application.*)  
☒ Return Receipt Postcard  
☐ Other:

Claim For Foreign Priority

- ☐ Priority of \_\_\_\_\_ Application No. \_\_\_\_\_ filed on \_\_\_\_\_  
is claimed under 35 U.S.C. § 119.  
☐ The certified copy has been filed in prior application U.S. Application No. \_\_\_\_\_  
☐ The certified copy will follow.

Extension of Time for Prior Pending Application

- ☒ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

- ☒ Amend the specification by inserting before the first line the sentence: "This is a  
☒ Continuation ☐ Continuation-in-part ☐ Divisional  
application of co-pending prior  
☒ Application No. 09/539,164 filed on March 29, 2000,  
☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ which  
designated the United States,  
the disclosure of which is incorporated herein by reference."
- ☒ Cancel in this application original claims 1-17 of the prior application before calculating the filing fee.

Fee Calculation (37 CFR § 1.16)



Applicant is entitled to Small Entity Status under 37 C.F.R. §1.27.

	(Col. 1) Total Claims		(Col. 2) Claims	(Col. 3) Present Extra	Rate	Additional Fee
TOTAL	10	MINUS	20	= 0	x 18	0
INDEP.	1	MINUS	3	= 0	x 80	0
[ ] First presentation of multiple dependent claim					\$270	0
Basic Filing Fee under 37 C.F.R. §1.16(a)					\$710	710.00
TOTAL						710.00
SMALL ENTITY 50% FILING FEE REDUCTION (if applicable)						355.00



Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ is enclosed.



The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 50-1339 (Order No. CYTOP035C4).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

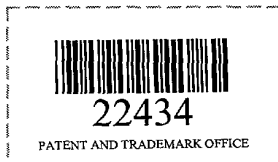


Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 50-1339 (Order No. CYTOP035C4).



Please send correspondence to the following address:

**Customer Number 022434**



Date: November 1, 2001

Lauren L. Stevens  
Lauren L. Stevens, Ph.D.  
Registration No. 36,691

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hartman et al.

Attorney Docket No.: CYTOP035C4

Application No.: New

Examiner: Not Yet Assigned

Filed: Herewith

Group: Unknown

Title: HIGH THROUGHPUT SARCOMERIC  
ASSAY

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Aurelia Sanchez

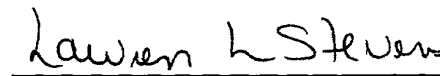
**NONPUBLICATION REQUEST AND CERTIFICATION  
(35 U.S.C. 122(b)(2)(B)(i))**

Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen (18) months after filing. I hereby request that the attached application **NOT** be published under 35 U.S.C. 122(b).

Date: November 1, 2001

  
Lauren L. Stevens  
Registration No. 36,691